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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,763	08/14/2002	Wei-Ming Su	VIAP0053USA	9678
27765	7590	07/27/2004	EXAMINER	
NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE) P.O. BOX 506 MERRIFIELD, VA 22116			HUBER, PAUL W	
			ART UNIT	PAPER NUMBER
			2653	
DATE MAILED: 07/27/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

10/064,763

**Applicant(s)**

SU ET AL.

**Examiner**

Paul Huber

**Art Unit**

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

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### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted Prior Art of figures 1 & 2, as disclosed by the applicant in the specification, considered with Liang et al. (USP- 5,604,757).

The admitted Prior Art of figures 1 & 2 discloses a method and controller for reading optimized power calibration (OPC) data of an optical disc recorder in an optical disc recorder. The controller includes: a flash memory 20B stored with a program code for controlling functionalities of the optical disc recorder; a ROM 20A stored with a plurality of identification codes (T1, T2, T3), each identification code corresponding to a particular OPC data (OPCp1, OPCp2, OPCp3); a RAM 18 for registering the program code; and a control circuit 16 for controlling the functionalities of the optical disc recorder according to the program code, wherein the control circuit 16 registers the program code into the RAM 18 and writes the OPC data to the ROM 20A according to the program code registered in the RAM 18.

The admitted Prior Art of figures 1 & 2 discloses the invention as claimed, but fails to specifically teach that the optimized power calibration (OPC) data is stored in the flash memory 20B, rather than in a ROM such as memory 20A. However, Liang et al. discloses a controller for power calibration of an optical disc recorder which includes a flash memory 308 for storing user changeable calibration data of a laser

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diode, in the same field of endeavor, for the purpose of maintaining an optimal operating current or power level of the laser diode thereby ensuring an accurate recording operation by the optical disc recorder. See figure 3, col. 4, lines 22-39 and col. 10, lines 1-14.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the admitted Prior Art of figures 1 & 2, as disclosed by the applicant in the specification, such that the optimized power calibration (OPC) data is stored in a flash memory as taught by Liang et al., it being further obvious that the existing flash memory 20B being utilized for this purpose thereby simplifying the device. A practitioner in the art would have been motivated to do this for the purpose of using a flash memory for the power calibration data which is relatively inexpensive in comparison to the ROM memory, thereby reducing the costs associated with manufacturing the optical disc recorder.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sato, Kim, Lee et al., Masaki et al., and Kono each disclose an apparatus and method for controlling power of a laser diode.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.

  
Paul Huber  
Primary Examiner  
Art Unit 2653

Pwh  
July 21, 2004

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